

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 00-6282-CR-HURLEY
Violation of Supervised Release

UNITED STATES OF AMERICA

Plaintiff,

vs.

ROBERT SCHACHNER,

Defendant.

**MOTION TO TRANSFER/SET HEARING IN FORT LAUDERDALE
NOTICE OF UNAVAILABILITY**

COMES NOW the Defendant, ROBERT SCHACHNER, by and through undersigned counsel, and would show as follow:

1. On July 12, 2004 the Honorable Magistrate Judge HUGH H. MORGAN *sua sponte* appointed the Office of the Federal Public Defender to represent the Defendant, Mr. SCHACHNER.
2. Thereafter, the Defendant retained undersigned counsel, who is filing his Notice of Appearance herewith.
3. On information and belief, this matter is being handled through the District Courthouse in Key West solely because of the Defendant's residence in Tavernier, Florida.
4. The underlying facts of this charges herein arose in Broward County, where the Defendant maintained a residence at that time. Judge HURLEY is sitting in Palm Beach, the offices of the corporation and involved employees of the restitution Payee at issue, BANKATLANTIC are in Broward County, as is the office of undersigned counsel, who is offering his services as a courtesy

to the Defendant, *pro bono*. Undersigned is authorized to represent that the Defendant concurs with this request to schedule and conduct any hearing in Fort Lauderdale.

5. While it appears that there is no hearing pending at the time of the filing of this Motion, in an abundance of caution it is requested that no hearing be scheduled until the after September 1, 2004, as counsel for the Defendant will be in New Jersey and out of the jurisdiction of the Court.

WHEREFORE, the Defendant respectfully requests that any hearings on the pending Violation of Supervised Release be transferred and/or set in the Fort Lauderdale Branch of the United States District Court for the Southern District of Florida, and that no hearing by scheduled until after September 1, 2004 in any event.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, along with any referenced attachments, was forwarded to those set forth on the attached service list by United States Mail and by facsimile as indicated this 29 day of July 2004

JOHN F. PHILLIPS, ESQUIRE

SERVICE LIST

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